

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
v.	§	
	§	CRIMINAL ACTION NO. 4:14-CR-136
SHELTON JERROD GREEN (4),	§	
	§	
Defendant.	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 31, 2018, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Maureen Smith.

Shelton Jerrod Green was sentenced on January 5, 2016, before The Honorable Marcia A. Crone of the Eastern District of Texas, after pleading guilty to the offenses of Conspiracy to Commit Bank Fraud – Count 1; and Aggravated Identity Theft – Count 11, Class B and E felonies, respectively. These offenses carried a statutory maximum imprisonment term of 30 years on Count 1 and 2 years on Count 11. The guideline imprisonment range, based on a total offense level of 13 and a criminal history category of III, was 18 to 24 months. Shelton Jerrod Green was subsequently sentenced to 48 months of imprisonment consisting of 24 months on Count 1 and 24 months on Count 11 ordered to run consecutively, followed by a 5 year term of supervised release on Count 1 and 1 year on Count 11 ordered to run concurrently, subject to the standard conditions of release, plus special conditions to include financial disclosure, drug aftercare, shall acquire a

GED, and a \$200 special assessment fee. On January 17, 2018, Shelton Jerrod Green completed his period of imprisonment and began service of the supervision term. On May 30, 2018, the terms of supervised release were modified to include 180 days of placement in a residential reentry center. Should he obtain a residence approved by the probation officer during the 180-day placement, he shall be released.

On August 24, 2018, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 583, Sealed]. The Petition asserted that Defendant violated nine (9) conditions of supervision, as follows: (1) Defendant shall refrain from any unlawful use of a controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (3) Defendant shall not unlawfully possess a controlled substance; (4) Defendant shall refrain from any unlawful use of a controlled substance; (5) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (6) Defendant shall report to the probation officer in a manner and frequency directed by the Court or probation officer; (7) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer; (8) You must reside in a residential reentry center or similar facility for a period of 180 days and must observe the rules of the facility; and (9) It is ordered that Defendant shall pay to the United States a special assessment of \$200 for Counts 1 and 11, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court.

The Petition alleges that Defendant committed the following acts: (1), (2), (3), (4), and (5) On April 11, 2018, Mr. Green submitted a urine sample at the U.S. Probation Office, which tested positive for marijuana and was later confirmed to be positive by Alere Laboratory. Mr. Green admitted to smoking marijuana and signed an admission form stating such. On May 16, 2018, Mr. Green submitted a urine sample at the U.S. Probation Office, which tested positive for marijuana. He subsequently admitted to using marijuana on or about May 13, 2018, and he signed an admission form stating such. On or about August 22, 2018, Mr. Green was found to be in possession of synthetic marijuana (K2) at the Volunteers of America Residential Reentry Center in Hutchins, Texas. He subsequently admitted to the director of the facility that he has been smoking synthetic marijuana (K2) and bringing it into the facility. Mr. Green signed admission forms stating such; (6) Mr. Green failed to submit a monthly supervision report as directed for the months of February, March, May, and June, 2018; (7) Mr. Green failed to attend scheduled substance abuse treatment sessions with Fletcher Counseling Inc. on June 10, July 1, and August 19, 2018; (8) Mr. Green admitted to smoking synthetic marijuana (K2) and bringing the substance into the residential reentry center in violation of the rules of the facility; and (9) Mr. Green has failed to pay the \$200 special assessment as directed. As of this writing, the remaining balance is \$125.

Prior to the Government putting on its case, Defendant entered a plea of true to allegations 1-5 of the Petition. The Government agreed to dismiss the remaining allegations. Having considered the Petition and the plea of true to allegations 1-5, the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months on each of Counts 1 and 11, to run concurrently, with forty-eight (48) months of supervised release to follow on Count 1 and no term of supervised release to follow on Count 11. All prior terms of supervised release shall be reimposed.

The Court also recommends that Defendant be housed in the Bureau of Prisons facility in Seagoville, Texas, if appropriate.

SIGNED this 6th day of September, 2018.

A handwritten signature in black ink, appearing to read 'C. Nowak', is written over a horizontal line.

Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE